

REMARKS

This response addresses the issues raised by the Examiner in the Office Action mailed April 23, 2004. Initially, Applicants would like to thank the Examiner for the careful consideration given in this case. The Claims were 1-9. Claims 1-9 have been canceled and Claims 10-18 have been added. Thus, Claims 10-18 are pending in this case all to more clearly and distinctly claim Applicants' invention. Applicants respectfully request entry of the amendments as they place the application in condition for allowance or in better condition for possible appeal.

New Claim 10 claims a continuous blood filtration apparatus for separating plasma or serum from whole blood. The apparatus includes (1) blood filter units, each comprising a suction nozzle, a filter chamber communicating with the suction nozzle and having a volume of 0.5 to 2.5 ml, a suction port communicating with the filter chamber and a glass fiber filter in the filter chamber; (2) blood collecting tubes for containing whole blood and having an opening for receiving and holding a blood filter unit placed through the opening such that the opening of the suction nozzle is below a surface of whole blood contained in the collecting tubes; (3) a manifold connected to a suction line, the manifold having a plurality of branches, each branch having a valve and a connector for connecting an end of each branch to a suction port of a blood filter unit; (4) means for continuously placing a blood filter unit in a vertical position in a blood collecting tubes, (5) a conveyor for conveying a blood collecting tubes containing a blood filter unit to a connector such that the suction port of the blood filter is facing the connector; and (6) means for moving the suction port of the blood filter into contact with the connector such that when a vacuum is applied through the manifold, blood is drawn from the blood collecting tubes into the blood filter and filter chamber and through the glass fiber filter and for moving the suction port of the blood filter out of contact with the connector after a predetermined amount of blood has been filtered from the collecting tubes. New Claims 11-18 depend from independent Claim 10. Support is found in the specification and claims as originally filed. No new matter has been added.

Rejection Based On 35 U.S.C. § 112, Second Paragraph

The Examiner rejects Claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner asserts that the claims must be made more clear as to whether blood is a required element of the claimed structure. Applicants respectfully traverse this rejection.

As stated above, Applicant has canceled Claims 1-9 and added new Claims 10-18. Since Claims 1-9 have been canceled by this amendment, the Examiner's rejection is rendered moot. Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Rejection Based On Ferkany In View Of Krasnoff Under 35 U.S.C. § 103 (a)

The Examiner rejects Claims 1, 2, 4 and 6-9 under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent No. 5,262,049 to Ferkany et al. in view of U.S. Patent No. 5,690,815 to Krasnoff et al and U.S. Patent No. 4,857,811 to Barrett et al. Applicants respectfully traverse this rejection.

To establish obviousness of a claimed invention, all claim elements must be disclosed, taught or suggested by the prior art.

As discussed above, Applicants have canceled Claims 1-9 and added new Claims 10-18 to render this rejection moot. Therefore, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103 (a).

In view of the remarks presented herein, it is respectfully submitted that the present application is in condition for final allowance and notice to such effect is requested. If the Examiner believes that additional issues need to be resolved before this application can be passed to issue, the undersigned invites the Examiner to contact him at the telephone number provided below.

Respectfully submitted,

By _____

Jules. E. Goldberg
Reg. No. 24,408
REED SMITH LLP
599 Lexington Avenue
29th Floor
New York, NY 10022-7650
(212) 521-5400
Attorney for Applicant

Dated: August 23, 2004

AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figure 1 and Figure 2. This sheet replaces the original sheet including Figure 1 and Figure 2. In Figure 1, the "suction line" is depicted by a diagonal line on the right side of the drawing. In addition, the blood level of the second blood collecting tube from the left is lowered in Figure 1. Further, the lead line of reference character "8" is corrected. In Figure 2, reference character "1" is changed to "1".

The attached sheet of drawing also includes changes to Figure 6. This sheet replaces the original sheet including Figure 6. In Figure 6, reference character "1" is changed to "2".

Attachment: Replacement Sheet
 Annotated Sheet Showing Changes



ANNOTATED

Fig. 1

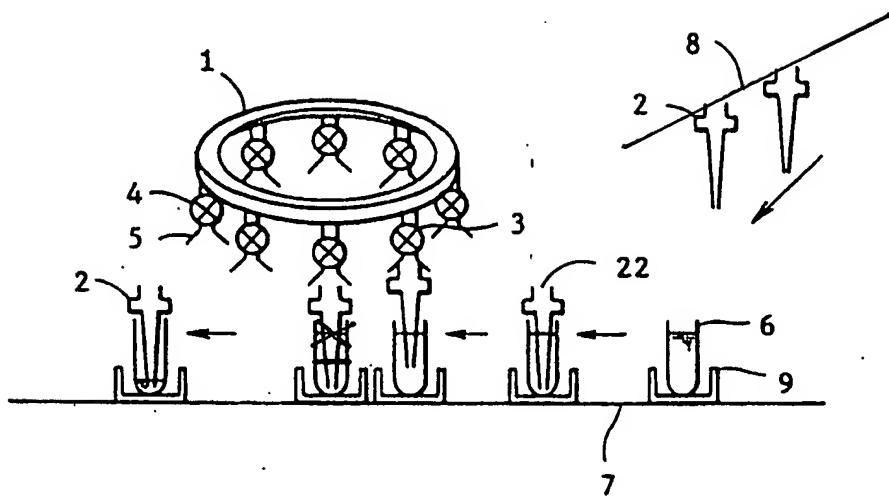
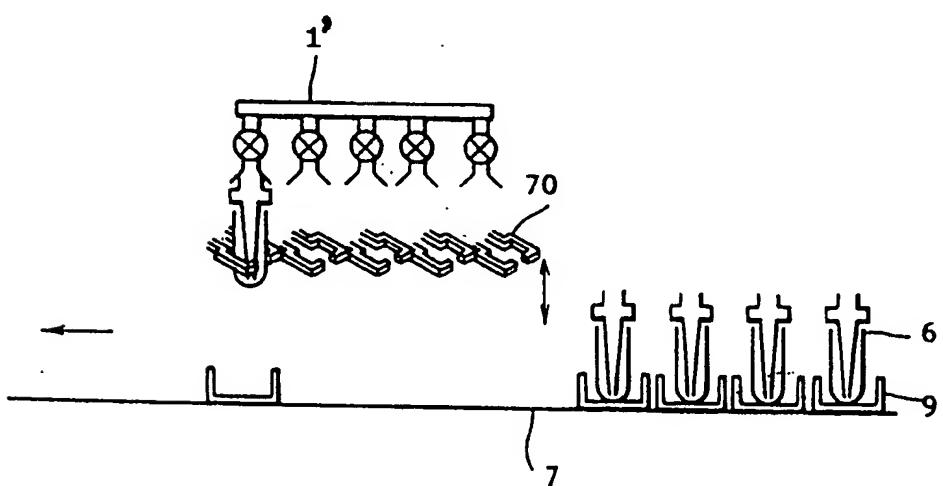


Fig. 2



ANNOTATED

Fig. 6

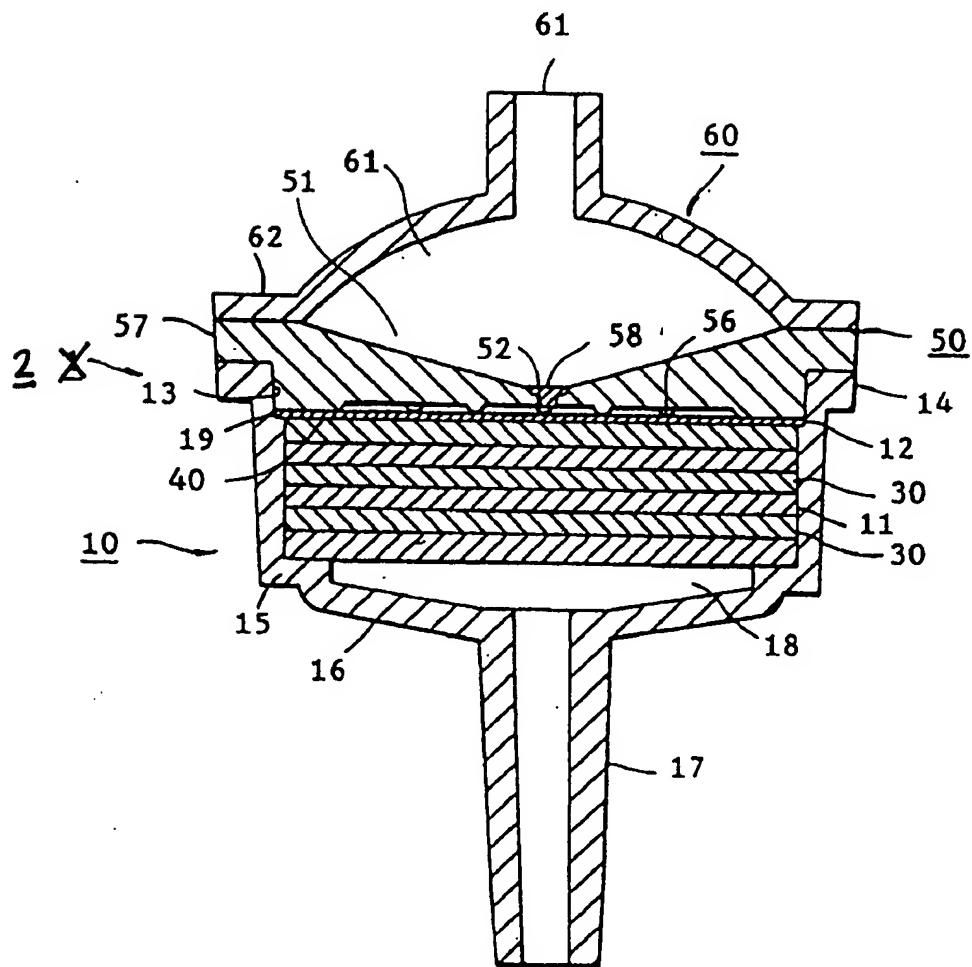


Fig. 7

